IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2051 OF 2004

M/s.Paras Clearing & Forwarding
Agencies Pvt.Ltd. & Ors. ...Applicants

Versus

The State of Maharashtra & Ors. ...Respondents

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Mr.G.N.Salunke for Applicants.

Mr.K.V.Saste, A.P.P. for Respondent No.1.

Mr.H.V.Bhadbhade for Respondents 2 & 3.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 20, 2004.

P.C.

1. Heard Counsel for the parties.

2. Learned Counsel for the contesting Respondents fairly submits that the Respondents will have no objection if the Petition is allowed in terms of prayer clause (a), but the Petitioner should give assurance to the Court that they will

make appearance before the Mazgaon Court, where all the cases are being transferred, to be tried on the appointed dates. This specific request is made, as according to the Respondents, in the past, the Petitioners have neither appeared personally nor their Advocate has made appearance on most of the dates. As indulgence is shown to the Petitioners by transferring all the pending cases between the parties to one Court at Mazgaon, it is expected that the Petitioners will fulfil the requirement of making appearance on all the appointed dates, either personally or through their Counsel, unless if exempted by the Trial Court on that particular date. If any of the Petitioner fails to appear on the appointed date, without taking exemption from the Trial Court, it will be open to the Trial Court to proceed against the said Petitioner in accordance with law.

3. All the cases which are transferred from Nasik, Borivli, Girgaon will be heard together with the cases pending in the Mazgaon Court between the parties. All those cases be tried by the same Judge, as expeditiously as possible.

4. In case, the Petitioners are to be exempted from appearance on any particular date, that should be done by the Trial Court on taking assurance from the Petitioners that they will record their plea on those dates through their Advocate.

5. Application allowed in terms of prayer clause (a) on the above terms.

6. Issuance of certified copy is expedited.

A.M.KHANWILKAR, J.